

**City of Fayetteville**  
**Regular Mayor and City Council Meeting**  
**Minutes**  
**April 20, 2006**

**Call to Order**

The Mayor and City Council of Fayetteville met in regular session on Thursday, April 20, 2006 at 7:00 p.m. in the Council Chambers at City Hall. Mayor Steele called the meeting to order, and led those attending in the Pledge of Allegiance to the Flag. Council members present were: Larry Dell, Paul Oddo, Jr., Wilson Price, and Walt White. Councilman Brewer was not present at this meeting. Staff members present were City Manager Joe Morton and City Clerk Judy Stephens.

White moved to approve the minutes of the Regular Council Meeting of April 6, 2006. Dell seconded the motion. Councilman Oddo made friendly amendment to approve minutes with changes submitted to City Clerk. Friendly amendment not accepted.

For motion: White, Dell, Price

Opposed: Oddo

Motion carried

**Public Hearings:**

Mayor Steele called Public Hearing and 1<sup>st</sup> Reading on Proposed Ordinance #0-6-06 – Rezoning Request from Jerry Peterson to rezone 20.43 acres; property located in Land Lot 126 of the 5<sup>th</sup> District (Stone Property) from C3 & R-40 to MO (Medical Office).

Mayor Steele stated that Georgia Law requires that certain disclosures have to be made when considering any rezoning.

Mayor Steele asked the Council “to the best of your knowledge gentlemen do you or any member of your family have a property interest in any real property that could be affected beneficially or adversely by the approval or denial of the petitions for rezoning that are under consideration?”

Mayor Steele and all Council Members responded no.

Mayor Steele asked the Council “to the best of your knowledge do you or any member of your family have a financial interest in any business entity which has a property interest in any real property that could be affected, beneficially or adversely, by the approval or denial of the petition for rezoning that is under consideration?”

Mayor Steele and all Council Members responded no.

Mayor Steele asked the City Clerk “to state whether any applicant for rezoning has filed a campaign contribution disclosure report in connection with the petition for rezoning and if so, will the Clerk please indicate whether the applicant made any campaign contributions to the Mayor or a member of the Council aggregating \$250.00 or more within the two (2) years preceding the filing of the petition for rezoning.

Judy Stephens, City Clerk, responded that no disclosure reports had been filed.

Mayor Steele stated that if any member of the public speaks in opposition to the petitions for rezoning, they must first state whether, within the two years immediately preceding the filing of the petition for rezoning that you oppose, you made campaign contributions aggregating \$250.00 or more to the Mayor or any other member of the City Council. If you have, please state whether you have filed a disclosure report with the city within five days of the first hearing on these petitions for rezoning.

Mayor Steele requested that any member of the public that speaks in support or opposition of the petition for rezoning coming under consideration, state their name and address for the record.

Mayor Steele stated that written copies of the zoning standards and the policies and procedures governing the calling and conducting of these hearings are available from the City Clerk if anyone would like a copy.

Eldridge Gunn, Director of Planning and Zoning stated the applicant is proposing to rezone approximately 20 acres on Hwy. 54 from C-3 and R-40 to MO to allow for the development of a mixed use community that will be comprised of retail, offices, an assisted living center, and independent living homes. The property currently has split zoning with approximately half of the property zoned C-3 starting at Highway 54 and the bottom half that is located away from Highway 54 zoned R-40. The entire tract is 23.8 acres and while the applicant is proposing to rezone 20 acres, they propose to retain the C-3 zoning of the remaining 3 acres and use it for commercial development.

The commercial and office uses will be located on the area closest to Highway 54. The residential components will be located on the rear of the property and away from Highway 54. This will allow the residential component to be nearest to the existing residential uses adjacent to the rear of the property. Single-family, two-family and multi-family dwelling units for older persons may be allowed in the MO zoning district by special exception only. The applicant has applied for approval of a special exception and it is currently being reviewed by the Planning and Zoning Commission. Internal circulation will include a street rotary that will preserve large existing oak trees in the center of the property. Greenspace, including a park, will also be provided. Access to the property will be provided by a main entrance off of Highway 54. The MO zoning district currently requires the provision of a secondary means for vehicular ingress and egress. But the short length of the existing Highway 54 frontage prevents the applicant from providing a second access along Highway 54 that would be 500 feet apart from the primary entrance. Also, the property lacks frontage onto an adjacent road that could be used for a secondary entrance.

Therefore, the Planning Commission is currently proposing an amendment to the MO zoning district that, under certain conditions, would allow them to authorize a variance from the secondary road provision requirement. Both the special exception and the amendment to the MO zoning district are being reviewed during the April Planning and Zoning Commission meetings and will be recommended to City Council in May.

The property is currently zoned C-3. To the west of the subject property is the Burch Office Park that is zoned O&I and a portion of the adjoining residential property that is zoned R-40 in the County. The adjacent property to the east is zoned R-20 in the County. The neighboring property to the south is zoned R-30. To the north, and across Highway 54 is zoned C-3. The City of Fayetteville's Comprehensive Plan Future Land-Use Map designates the top half of the property, nearest Highway 54 for office development and the lower half away from Highway 54 for low density single-family development. The applicant's proposed zoning would be compatible with the Future Land Use Map designation for the top half of the property but not with the designation for the bottom half.

Access to the property will be provided along Highway 54. The Planning Commission is currently proposing an amendment to the MO zoning district that, under certain conditions, would allow them to authorize a variance from the secondary road provision requirement.

Staff recommends approval of the proposed rezoning of the Stone property located along Georgia State Highway 54.

At the March 28<sup>th</sup> meeting, the Planning and Zoning Commission recommended approval of the proposed rezoning.

Jerry Peterson and Jim Oliver representing this rezoning appeared before council to answer questions anyone might have.

There were no public comments.

Mayor Steele advised this rezoning would come up for a vote at the May 4, 2006 Meeting.

**Mayor's Comments:**

Mayor Steele thanked all sponsors, staff, and volunteers that helped with the Tour de Georgia. He also advised every one of possible traffic delays on Highway 85 North Saturday because of the 2006 Georgia Police Memorial Ride.

Dell moved to adjourn the meeting. Price seconded the motion. The motion carried unanimously.

Respectfully submitted,

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Judy Stephens, City Clerk